UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,125	11/05/2001	Rand Monteleone	2000P09139 US01	2875

7590 04/08/2005	EXAMINER
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ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		10/008,125	MONTELEONE ET AL.
		Examiner	Art Unit
		Kieu D Vu	2173

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>26 October 2004</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-20</u> is/are pending in the application.

　4a) Of the above claim(s) <u>8-11</u> is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-7 and 12-20</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>05 November 2001</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　a) ☐ All b) ☐ Some * c) ☐ None of:

　　1. ☐ Certified copies of the priority documents have been received.

　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Applicant's election of Group I (claims 1-7 and 12-20) in the reply filed on

10/26/04 is acknowledged. Because applicant did not distinctly and specifically point

out the supposed errors in the restriction requirement, the election has been treated as

an election without traverse (MPEP § 818.03(a)).

2.   a)   The information disclosure statement filed 11/05/01 fails to comply with 37

CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document;

each non-patent literature publication or that portion which caused it to be listed; and all

other information or that portion which caused it to be listed.

The information disclosure statement filed 11/05/01 does not include copies of

the following documents:

"Solar Lab Access...."

"Carevue Cinical...."

Therefore, the above documents have not been considered.

b.   The information disclosure statement filed 11/05/01 fails to comply with 37

CFR 1.98(b)(5), which requires each publication listed must be identified by a date of

publication.

The information disclosure statement filed 11/05/01 does not provide the date the

following document:

"Physician Review System...:"

"HP Carevue Clinical ..."

"HPM2000A Central Data..."

Therefore, the document has been placed in the application file, but it has not

been considered as to the merits.

Applicant is advised that the date of any re-submission of any item of information

contained in this information disclosure statement or the submission of any missing

element(s) will be the date of submission for purposes of determining compliance with

the requirements based on the time of filing the statement, including all certification

requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Myers

et al ("Myers", USP 5832450).

Regarding claim 12, Myers further teaches a network compatible user interface

system supporting navigation through medical information comprising: a communication

processor (18) for acquiring patient medical information for storage in a database

(server 10-16); a menu generator for generating a menu prompting user entry and

selection of at least one field to be searched (col. 4, line 4-16); a search engine for

searching said database of acquired medical information to identify patients associated

with search criteria determined by user selection of said field and entry of a text string

(col. 4, lines 18-24; col. 5, lines 44-55; and col. 7, lines 18-30); and a display navigation

processor for automatically displaying different medical information for said identified

patients in response to user navigation between different applications col. 4, lines 41-

67).

Regarding claim 13, Myers further teaches the system of claim 12 wherein said

display navigation automatically displays different medical information for said identified

patients for said different applications without user re-entry of information determining

said identified patients (col. 4, lines 41-48).

Regarding claim 14, Myers further teaches the system of claim 12, wherein said

different medical information corresponding to different medical applications comprising

laboratory test results (see lab test result in col. 4, lines 61-63) and administrative

information (see provider care info including administration info col. 4, lines 49-53).

Regarding claim 15, Myers further teaches the system of claim 12, wherein said

first window further displays patient name (see col. 4, lines 38).

Regarding claim 16, Myers further teaches the system of claim 12, wherein said

prompting menu further includes a selectable customization field (search record button

38) responsive to a user command for generating a query based on said user-entered

text string for subsequent execution without user re-entry of said text string (col. 5, lines

17-19; figure 5, col. 10, lines 1-57).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-7 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Myers and Strum et al ("Strum", USP 5832450).

Regarding claim 1, Myers et al (USP 5,832,450) (hereinafter referred to as

Myers) teaches a network compatible user interface system (24) supporting navigation

through patient medical information, comprising: a communication processor for

acquiring a patient group identifier (col. 4, lines 38-40) allocated to a grouping of

patients and for acquiring medical information associated with said patients (col. 4, lines

41-48), a display generator for generating a composite display window incorporating a

first window (26) including said patient group identifier and a list of patients in said

grouping (col. 4, lines 34-40); and a second window for displaying different medical

information (col. 4, lines 41-48) corresponding to different medical applications (see 7

counter types in col. 4, lines 49-53), said different medical information being associated

with patients in said grouping of patients; a display navigation processor for maintaining

said first window display while displaying different medical information in said second

window in response to user navigation between said different applications (col. 4,lines

41-48). Myers differs from the claim in that Myers does not teach group identifier and

displaying group identifier. However, such feature is taught by Strum. Specifically,

Strum teaches displaying group identifier "surgical ICU" which helps identify a group of

patients, who are all in surgical intensive care unit in figure 6. The use of group identifier

facilitates the identification of a group of patients who have the same need. Thus, it

would have been obvious to one skilled in the art at the time the invention was made to

apply Strum's teaching of using and displaying a group identifier in Myers' system with the motivation being to facilitate the identification of a group of patients who have the same need.

Regarding claim 2, Myers further teaches the system of claim 1, wherein said patient group identifier corresponds to one of a plurality of care units including an intensive care unit and surgical unit (see surgical intensive care unit in figure 6).

Regarding claim 3, Myers further teaches the system of claim 1, wherein said different medical information corresponding to different medical applications comprising laboratory test results (see lab test result in col. 4, lines 61-63) and administrative information (see provider care info including administration info col. 4, lines 49-53).

Regarding claim 4, Myers further teaches the system of claim 1, wherein said first window further displays patient name (see col. 4, lines 38).

Regarding claim 5, Myers further teaches the system of claim 1, wherein said patient group identifier in said first window is user-selectable (see col. 4, lines 42).

Regarding claim 6, Myers further teaches the system of claim 1, wherein said display navigation processor is responsive to user selection of a deactivation element in said first window display for no longer maintaining said list of patients in said first window during user navigation between said different applications (windows 26 displays different info according to the mode of interface 24. When user selects button 32, windows 26 displays patient list. When user selects either a record or a help button 31 (deactivation element), window 26 displays the record or help, respectively).

Regarding claim 7, Myers further teaches the system of claim 1, wherein said

patient group identifier is maintained in memory after user logout of the system (patient

ID is maintained in servers 10-16 and is thus unaffected when user is logged out).

Regarding claim 17, Myers further teaches an internet compatible method for

displaying patient medical information, comprising: acquiring medical information

associated with patients; collating said medical information including allocating a patient

group identifier to a grouping of patients; composite display window incorporating a first

window (26), including said patient group identifier and a list of patients in said grouping,

and a second window (28) for displaying different medical information corresponding to

different medical applications, said different medical information being associated with

patients in said grouping of patients (col. 4, lines 41-48); and maintaining said first

window display while displaying different medical information in said second window in

response to user navigation between said different applications (col. 4, lines 44-47).

Myers differs from the claim in that Myers does not teach group identifier and displaying

group identifier. However, such feature is taught by Strum. Specifically, Strum teaches

displaying group identifier "surgical ICU" which helps identify a group of patients, who

are all in surgical intensive care unit in figure 6. The use of group identifier facilitates the

identification of a group of patients who have the same need. Thus, it would have been

obvious to one skilled in the art at the time the invention was made to apply Strum's

teaching of using and displaying a group identifier in Myers' system with the motivation

being to facilitate the identification of a group of patients who have the same need.

Regarding claim 18, Myers further teaches the method of claim 17, wherein the

step of maintaining further comprises setting a variable corresponding to a user

command for retaining said list of patients in said first window (see button 62 for

retaining the list of patients).

Regarding claim 19, Myers further teaches the method of claim 17, wherein said

first window further displays patient name (see col. 4, lines 38).

Regarding claim 20, Myers further teaches the method of claim 17, wherein said

step of generating a composite display window further comprises generating a search

menu (search records 38) for entering a text string in response to a user command.

7.   The prior art made of record on form PTO-892 and not relied upon is considered

pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to

consider these references fully when responding to this action. The documents cited

therein teach about navigating and viewing patient records which relates to the claimed

invention.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kieu D. Vu. The examiner can normally be reached on

Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding
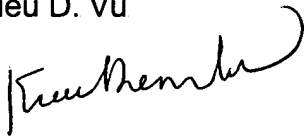
is assigned are as follows:

703-872-9306

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL"

or "DRAFT" communication. Examiners may request that a formal paper / amendment

be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Kieu D. Vu